

Part C State Performance Plan (SPP) for 2005-2010**Overview of the State Performance Plan Development:**

See page 1 of the State Performance Plan

Monitoring Priority: Effective General Supervision Part C / General Supervision

Indicator 10: Percent of signed written complaints with reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.

(20 U.S.C. 1416(a)(3)(B) and 1442)

Measurement:

Percent = $(1.1(b) + 1.1(c))$ divided by (1.1) times 100.

Overview of Issue/Description of System or Process:

The Part C, Birth to 3 Connections program uses the following procedures to respond to administrative complaint filed for resolution. These procedures will be revised accordance with the Part C final regulations.

A complaint is written signed statement, by an individual or organization including an individual or organization from another state containing a statement that the Birth to 3 Connections Program or its subgrantee has violated a requirement of federal or state statues or regulations that apply to a program and a statement of facts on which the complaint is based. The complaint must allege a violation that occurred not more than one year before the complaint is received by the Office of Educational Services and Support, unless, a longer period is reasonable because the violation is continuing, or the complainant is requesting compensatory services for a violation that occurred not more then three years before the date the complaint is received by the Office of Educational Services and Support.

Complaints received by the Department of Education could concern violations by (a) any public agency in the state that receives funds under Part C, (b) other public agencies that are involved in the state's early intervention program; or (c) private service providers that receive funds pursuant to State Administrative Rules under a contract from a public agency to carry out a given function or to provide a given service required under Part C.

Organization Structure for Resolving Complaints:

If the complaint is against a subgrantee, the following steps shall be taken:

1. The State Part C Coordinator shall appoint a complaint investigation team from the department's Birth to 3 Connections Program staff. The team may conduct an on-site investigation if it determines that one in necessary;
2. The complaint team shall give the complainant the opportunity to submit additional information, either orally or in writing, about the allegations in the complaint;
3. The complaint team shall make a recommendation to the State Part C Coordinator;
4. After reviewing all relevant information, the State Part C Coordinator shall determine whether the complaint is valid, what corrective action is necessary to resolve the complaint, and the time limit during which corrective action is to be completed. The State Part C Coordinator shall submit a written report of the final decision to all parties involved.

5. The written report shall address each allegation in the complaint, contain findings of fact and conclusion, and include reasons for the final decision;
6. If corrective action is not completed within the time limit set, including technical assistance and negotiations, the Office of Educational Services and Support shall withhold all federal funds applicable to the program until compliance with the applicable federal and state statutes and rules is demonstrated by the subgrantee.
7. Documentation supporting the corrective actions taken by the subgrantee shall be maintained by the department's Birth to 3 Connections Program and incorporated into the state's monitoring process.

All complaints must be resolved within sixty (60) calendar days after receipt of the complaint by the State Birth to 3 Connections Program Coordinator. The time limit of 60 days may be extended only under exceptional circumstances as determined by the State Birth to 3 Connection Program Coordinator, such as the need for additional time to provide necessary information. An extension of time may not exceed 30 days in any one instance.

If a written complaint is received that is also the subject of a due process hearing, or contains multiple issues, of which one or more are part of that hearing, the State Birth to 3 Connections Program must set aside any part of the complaint that is being addressed in the due process hearing, until the conclusion of the hearing. However, any issue in the complaint that is not a part of the due process action must be resolved using the time limit and procedures described in this section.

If an issue is raised in a complaint filed under this section that has previously been decided in a due process hearing involving the same parties:

1. The hearing decision is binding; and
2. The State Birth to 3 Connections Program must inform the complainant to that effect.

A complaint alleging a Birth to 3 Connections Program failure to implement a due process hearing decision must be resolved by the Birth to 3 Connections Program.

Baseline Data for FFY 2004 (2004-2005):

There were no complaints filed in 2004 - 2005.

Discussion of Baseline Data:

Whenever a complaint is filed Birth to 3 Connections Program uses the procedures above to resolve the issues.

FFY	Measurable and Rigorous Target
2005 (2005-2006)	100 percent of signed written complaints with reports issued will resolved within 60-day timeline.
2006 (2006-2007)	100 percent of signed written complaints with reports issued will resolved within 60-day timeline.
2007 (2007-2008)	100 percent of signed written complaints with reports issued will resolved within

	60-day timeline.
2008 (2008-2009)	100 percent of signed written complaints with reports issued will resolved within 60-day timeline.
2009 (2009-2010)	100 percent of signed written complaints with reports issued will resolved within 60-day timeline.
2010 (2010-2011)	100 percent of signed written complaints with reports issued will resolved within 60-day timeline.

Improvement Activities/Timelines/Resources:

Activities	Resources	Timelines
South Dakota State Education Agency (SEA) staff will review all procedures for conducting complaint investigations. Training and technical assistance is provided to ensure complaint investigators follow the procedural requirements under IDEA.	<ul style="list-style-type: none"> State staff- Complaint investigation Mountain Plain Regional Resource Center (MPRRC) staff consultation 	<ul style="list-style-type: none"> July 1, 2005 – June 30, 2011
A protocol will be maintained by SEA to ensure timelines and procedures are followed for complaint resolutions.	<ul style="list-style-type: none"> State staff 	<ul style="list-style-type: none"> July 1, 2005 – June 30, 2011
The state agency will contract with a regional resource center in the development of a system of complaint investigators who will contract with the state agency to facilitate complaint investigations.	<ul style="list-style-type: none"> State staff MPRRC staff consultation 	<ul style="list-style-type: none"> July 1, 2005 – June 30, 2011
Update Special Education Programs (SEP) complaint investigation manual on website and disseminate on the website.	<ul style="list-style-type: none"> State staff MPRRC South Dakota Parent Connections 	<ul style="list-style-type: none"> July 1, 2005 – June 30, 2011
Service Coordinator's Training and technical assistance to assist with the parent rights	<ul style="list-style-type: none"> MPRRC staff State staff 	<ul style="list-style-type: none"> Fall 2006 – June 30, 2011

Service Provider Training on parent rights	<ul style="list-style-type: none"> • MPRRC staff • State staff 	<ul style="list-style-type: none"> • Fall 2006 – June 30, 2011
Check for ideas on tracking system for recording issues Pursue feasibility of developing a tracking system for recording resolution of informal issues that are addressed so formal resolution is not necessary.	<ul style="list-style-type: none"> • State staff • South Dakota Parent Connection • New Jersey's Part C • State Staff 	<ul style="list-style-type: none"> • Fall 2006